

U.S.S.N. 09/135,988

BRYAN, Bruce

**AMENDMENT UNDER RULE 312(a)**

at page 157, line 25, before "be" delete the second instance of "may";  
at page 158, line 3, replace "readilyy" with —readily—;  
at page 158, line 14, replace "lyophillized" with —lyophilized—;  
at page 159, line 14, replace "bioluminesence" with —bioluminescence—;  
at page 159, line 18, replace "bioluminescne" with —bioluminescence—;  
at page 159, line 30, before "first" delete the second instance of "the";  
at page 160, line 11, replace "lyophillized" with —lyophilized—;  
at page 161, line 1, replace "bioluminescne" with —bioluminescence—;  
at page 161, line 28, replace "exeplary" with —exemplary—;  
at page 165, line 3, before "is despensed" delete the second instance of  
"fluid";  
at page 166, line 26, replace "leat" with —least—;

**REMARKS**

Any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

The amendments to the specification correct obvious typographical errors. No new matter has been added.

**Comments on Examiner's Statement of Reasons for Allowance**

The Examiner states that the combination of references does not result in the claimed combination of a novelty item and a bioluminescent composition. It is respectfully submitted that the combination of references does not result in the claimed combination of an article of manufacture with one or more components of a bioluminescence generating system, whereby the resulting combination is a novelty item. The combination does not necessarily comprise a bioluminescent composition, but rather comprises at least one component of such composition. The remaining component may be added by the user of the combination.

U.S.S.N. 09/135,988

BRYAN, Bruce

AMENDMENT UNDER RULE 312(a)

\* \* \*

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:

  
Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No. 24729-105C

**Address all correspondence to:**

Stephanie L. Seidman

HELLER, EHRMAN, WHITE & McAULIFFE LLP

4250 Executive Square, 7th Floor

La Jolla, California 92037-9103

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

EMAIL: sseidman@hewm.com